

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BRYAN S. MICK, Personal Representative  
of the Estate of PRINT ZUTAVERN,  
Deceased,

Plaintiff,

vs.

DEPUTY BARRETT GIBBONS, in his  
individual and official capacities; DEPUTY  
LAWRENCE STUMP, in his individual and  
official capacities; SHERIFF DAN  
OSMOND, in his individual and official  
capacities; COUNTY OF CUSTER, a  
Nebraska political subdivision, d/b/a CUSTER  
COUNTY SHERIFF'S OFFICE; TRP. SAM  
MORTENSON, in his individual and official  
capacities; LT. TIM ARNOLD, in his  
individual and official capacities; TRP.  
TREVINO, in his individual and official  
capacities; TRP. LEVI COCKLE, in his  
individual and official capacities; TRP.  
BRANDON WILKE, in his individual and  
official capacities; CPT. TYLER SCHMIDT,  
in his individual and official capacities; and  
JOHN/JANE DOE, a training supervisor of  
the Nebraska State Patrol, in his/her  
individual and official capacities,

Defendants.

Case No. 4:22-cv-3025

**PLAINTIFF'S MOTION TO ALTER OR  
AMEND THE JUDGMENT**

Bryan S. Mick, Personal Representative of the Estate of Print Zutavern, Deceased, pursuant to pursuant to FED. R. CIV. P. 59(e) and/or FED. R. CIV. P. 60, respectfully moves this Court to alter or amend the judgment of August 23, 2022 as to Defendants SCHMIDT, COCKLE, ARNOLD, TREVINO and MORTENSON<sup>1</sup>, to allow reconsideration of those Defendants' motion to dismiss

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<sup>1</sup>This Motion is not made as to Defendant WORKMAN.

without leave to amend.<sup>2</sup> A Brief and Evidence Index are submitted contemporaneously with this Motion.

BRYAN S. MICK, Personal Representative of  
the Estate of PRINT ZUTAVERN, Deceased,  
Plaintiff,

By: /s/ Maren Lynn Chaloupka  
Maren Lynn Chaloupka – NSBA # 20864  
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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument has been sent via CM/ECF on this 19<sup>th</sup> day of September 2022, to the following:

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/s/ Maren Lynn Chaloupka

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<sup>2</sup>*Mir v. Fosburg*, 646 F.2d 342, 344 (9<sup>th</sup> Cir. 1980).